

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		03-CB-277072	5/13/2021
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Steelworkers, Local Union No. 3298		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 240 Fall Street, Seneca Falls, NY 13148		d. Tel. No. (b) (6), (b) (7)(C)	e. e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b)(1)(A) and 8(b)(2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about (b) (6), (b) (7)(C) 2021, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act and attempted to cause and caused ITT Goulds Pumps, LLC to suspend and/or discharge (b) (6), (b) (7)(C) for reasons other than the failure to tender uniformly required initiation fees and periodic dues.</p>			
3. Name of Employer ITT Goulds Pumps, LLC		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail chris.klasner@itt.com
5. Location of Plant involved (street, city, state, and ZIP code) 240 Fall Street, Seneca Falls, NY 13148		6. Employer representative to contact Chris Klasner, General Manager	
7. Type of Establishment (factory, mine, wholesaler) factory	8. Principal product or service pumps	9. Number of Workers employed 270	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		Tel No.	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
(signature of representative or person making charge)		Printtype name and title or office, if any	
		Cell No. (b) (6), (b) (7)(C)	
Address (b) (6), (b) (7)(C)		Date: 5-13-21	Fax No.
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972



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May 13, 2021

(b) (6), (b) (7)(C)

United Steelworkers, Local Union No. 3298
240 Fall Street
Seneca Falls, NY 13148

Re: United Steelworkers, Local Union No. 3298
(ITT Goulds Pumps, LLC)
Case 03-CB-277072

Dear **(b) (6), (b) (7)(C)**:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489. If this Board agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

May 13, 2021

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to

May 13, 2021

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul J. Murphy", is written over a faint, circular official seal of the National Labor Relations Board.

PAUL J. MURPHY
Regional Director

Enclosure: Copy of Charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**UNITED STEELWORKERS, LOCAL UNION
NO. 3298 (ITT GOULDS PUMPS, LLC)**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 03-CB-277072

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 13, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

United Steelworkers, Local Union No. 3298
240 Fall Street
Seneca Falls, NY 13148

May 13, 2021

Date

LOUIS F. PORTO, Designated Agent of
NLRB

Name

/s/LOUIS F. PORTO

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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May 13, 2021

Chris Klassner, General Manager
ITT Goulds Pumps LLC
240 Fall Street
Seneca Falls, NY 13148

Re: United Steelworkers, Local Union No. 3298
(ITT Goulds Pumps, LLC)
Case 03-CB-277072

Dear Mr. Klassner:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489. If this Board agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

May 13, 2021

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to

May 13, 2021

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul J. Murphy", is written over a faint, circular official seal of the National Labor Relations Board.

PAUL J. MURPHY
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

03-CB-277072

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES)

YES

NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount):☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date:

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



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Fax: (716)551-4972



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May 13, 2021

(b) (6), (b) (7)(C)

Re: United Steelworkers, Local Union No. 3298
(ITT Goulds Pumps, LLC)
Case 03-CB-277072

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on May 13, 2021 has been docketed as case number 03-CB-277072. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner NEALE K. SUTCLIFF whose telephone number is (314)449-7489. If this Board agent is not available, you may contact Regional Attorney LINDA M. LESLIE whose telephone number is (716)398-7017.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

May 13, 2021

Very truly yours,

A handwritten signature in dark ink, appearing to read "Paul J. Murphy", is written over a faint, circular, textured background.

PAUL J. MURPHY
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and
ITT GOULDS PUMPS, LLC

CASE 03-CB-277072

☐ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
ITT Goulds Pumps, LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

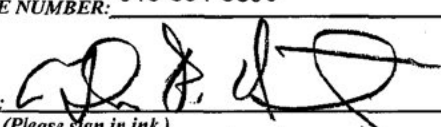
NAME: Glen P. Doherty, Esq.

MAILING ADDRESS: Hodgson Russ LLP, 677 Broadway, Suite 301, Albany, New York 12207

E-MAIL ADDRESS: gdoherty@hodgsonruss.com

OFFICE TELEPHONE NUMBER: 518-433-2433

CELL PHONE NUMBER: 518-331-5300 FAX: 518-465-1567

SIGNATURE: 
(Please sign in ink.)

DATE: MAY 19, 2002

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

From: [Sutcliff, Neale K.](#)
To: [Brian J. LaClair](#)
Subject: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072
Date: Wednesday, May 26, 2021 12:32:00 PM
Attachments: [LTR.03-CB-277072.LaClair-USW EAJA.pdf](#)

Brian, please find the request for evidence letter in the above-noted case. Please contact me with any questions you have about the presentation of evidence.

Sincerely, Neale Sutcliff

The NLRB has mandated electronic filing of all case documents. See [GC Memo 20-01](#). For instructions on e-filing documents, please see [Frequently Asked Questions](#) and [E-File Live Demo](#).

Neale K. Sutcliff, Field Examiner
NLRB Region 3
130 South Elmwood Avenue, Ste. 630
Buffalo, NY 14202
Direct: (314) 449-7489
Agency mobile: (202) 702-6012
Main office: (716) 551-4931
Fax: (716) 551-4972
Pronouns: She/her



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
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Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Agent's Direct Dial: (314)449-7489

May 26, 2021

Brian LaClair
Blitman & King LLP
Franklin Center, Suite 300
443 North Franklin Street
Syracuse, NY 13204

Re: United Steelworkers,
Local Union No. 3298
(ITT Goulds Pumps LLC)
Case 03-CB-277072

Dear Mr. LaClair:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which the evidence is needed, a request to take affidavits, a request for evidence, and the date for providing the evidence.

Allegations: The allegations for which I am seeking evidence are as follows: Whether the Union violated Section 8(b)(1)(A) and 8(b)(2) of the Act by causing or attempting to cause ITT Goulds Pumps LLC to suspend and/or discharge (b) (6), (b) (7)(C) for reasons other than the failure to tender uniformly required initiation fees and periodic dues.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C), (b) (7)(D) and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by Thursday, June 3, 2021 to schedule these affidavits.

- i. As used herein, the term "document" means any written, recorded, or graphic matter, or matter existing on computer software or hardware, whether previously erased or not, including but not limited to memoranda, notes, minutes, business records, telephone contacts, correspondence, memorialization of oral communications, telegrams, diaries, reports, records, summaries, lists, charts, compilations, graphs, statements, declarations, notebooks, handwritten notes, bargaining notes, applications, agreements, files, addenda, books, pamphlets, periodicals, appointment calendars, recordings of oral conversations, video recordings, voice mail messages, text messages, and

electronic mail.

- ii. Documents requested shall include all documents in the Charged Party's physical possession, custody, or control and in the physical possession, custody, or control of the Charged Party's present or former agents, attorneys, accountants, advisors, investigators, and any other persons directly or indirectly connected with the Charged Party.

1. The evidence suggests that on (b) (6), (b) (7)(C), 2021, (b) (6), (b) (7)(C) was suspended for the proffered reason that (b) (6), (b) (7)(C) failed to use proper lock-out tag-out procedures on (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C), 2021. The evidence suggests that (b) (6), (b) (7)(C) was discharged on (b) (6), (b) (7)(C), 2021 for the same incident. The Charging Party filed the charge in Case 03-CA-274694 alleging that (b) (6), (b) (7)(C) suspension and discharge violated Section 8(a)(3) of the Act. Specifically, the Charging Party alleges that (b) (6), (b) (7)(C) suspension and discharge were unlawfully motivated by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). In the instant charge, the Charging Party alleges that Union agent(s) have animus to (b) (6), (b) (7)(C) internal Union activities and used that animus to cause or attempt to cause ITT Goulds Pumps LLC to suspend and/or discharge (b) (6), (b) (7)(C).

a. In support of his allegations, the Charging Party alleges that (b) (6), (b) (7)(C) had been down on second shift at least three times between mid-February 2021 and (b) (6), (b) (7)(C), 2021 and that it had not been locked out on any of those occasions without any complaints or issues. The Charging Party alleges that on (b) (6), (b) (7)(C), 2021, (b) (6), (b) (7)(C) was aware that (b) (6), (b) (7)(C) was down and that a locknut had fallen off the machine but directed (b) (6), (b) (7)(C) to leave the machine in-tact for the first shift mechanics and did not direct (b) (6), (b) (7)(C) to lock the machine out. The Charging Party further alleges that (b) (6), (b) (7)(C) was suspended (and later discharged) for not locking out (b) (6), (b) (7)(C) only after it was learned (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) for the upcoming April 2021 election. The Charging Party alleges that (b) (6), (b) (7)(C) was suspended and discharged to cause confusion among Union members as to whether they could vote for (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) in the April election and to prevent (b) (6), (b) (7)(C) from holding the position of (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) were elected.

b. For the time period March 15, 2021 to the date of this letter, please provide any documents that mention or relate to (b) (6), (b) (7)(C), mention or relate to anyone from (b) (6), (b) (7)(C) immediate family who are currently employed or were formerly employed by the Employer, and/or mention or relate to (b) (6), (b) (7)(C), including but not limited to, internal Union campaign literature, texts between and among employees or other persons, and communications with representatives of the Employer.

2. The evidence suggests that a grievance is pending over (b) (6), (b) (7)(C) suspension and/or

discharge. Please provide a copy of the grievance as well as any correspondence between the Union and the Employer regarding this grievance, if not already provided in response to the above.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by Wednesday, June 9, 2021. If you are willing to allow me to take affidavits, please contact me by Thursday, June 3, 2021 to schedule a time to take affidavits. Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted.

Please contact me at your earliest convenience by telephone, (314)449-7489, agency mobile, (202) 702-6012, or e-mail, neale.sutcliff@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

Neale K. Sutcliff

Neale K. Sutcliff
Field Examiner

From: [Brian J. LaClair](#)
To: [Sutcliff, Neale K.](#)
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072
Date: Thursday, June 3, 2021 11:12:14 AM

Thank you, Neale.

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Sent: Thursday, June 3, 2021 10:56 AM
To: Brian J. LaClair <bjlaclair@bklawyers.com>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Brian, yes, you can have a one week extension to provide evidence in this case. The deadline is now, close of business, June 16, 2021

From: Brian J. LaClair <bjlaclair@bklawyers.com>
Sent: Wednesday, June 2, 2021 9:50 AM
To: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Neale:

I hope you're well. I just left a voicemail for you. I'd like to request an additional week to get our position statement to you. You requested it by June 9 but I have three days of hearing concerning two separate arbitrations between now and then. While I and the Local have been working away on gathering the information you requested, I will need the additional week to put it all together for you. Please let me know if this is okay, thanks in advance.

Regards,

Brian

Brian J. LaClair

Blitman & King LLP

Franklin Center, Suite 300 | 443 North Franklin Street | Syracuse New York 13204-5412

T: 315.671.3262 | F: 315.471.2623 | E: bjlaclair@bklawyers.com | www.bklawyers.com

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IRS Circular 230 Disclosure: To comply with recent IRS rules, we must inform you that this message, and any attachments, if they contain advice relating to federal taxes, are not intended or written to be used, and they cannot be used for (1) the purpose of avoiding penalties that may be imposed under federal tax law; or (2) promoting, marketing or recommending to another party any tax-related matter addressed herein. Under these IRS rules, a taxpayer may rely on professional advice to avoid federal tax penalties only if that advice is reflected in a comprehensive tax opinion that conforms to stringent requirements under federal law.

From: Brian J. LaClair

Sent: Wednesday, May 26, 2021 3:40 PM

To: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>

Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Received, thank you Neale. I have two arbitrations between now and June 9 but will do my best to put everything together for you by then. Have a great memorial day weekend.

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>

Sent: Wednesday, May 26, 2021 12:33 PM

To: Brian J. LaClair <bjlaclair@bklawyers.com>

Subject: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Brian, please find the request for evidence letter in the above-noted case. Please contact me with any questions you have about the presentation of evidence.

Sincerely, Neale Sutcliff

The NLRB has mandated electronic filing of all case documents. See [GC Memo 20-01](#). For instructions on e-filing documents, please see [Frequently Asked Questions](#) and [E-File Live Demo](#).

Neale K. Sutcliff, Field Examiner

NLRB Region 3

130 South Elmwood Avenue, Ste. 630

Buffalo, NY 14202

Direct: (314) 449-7489

Agency mobile: (202) 702-6012

Main office: (716) 551-4931

Fax: (716) 551-4972

Pronouns: She/her

U.S. Department of Labor
Office of Labor-
Management Standards
Washington, DC 20210

FORM LM-3 LABOR ORGANIZATION ANNUAL
REPORT

FOR USE ONLY BY LABOR ORGANIZATIONS
WITH LESS THAN \$250,000 IN TOTAL ANNUAL
RECEIPTS

Form Approved
Office of Management
and Budget
No 1245 0003
Expires: 09-30-2021

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U S C 439 or 440

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT.

For Official Use Only	1 FILE NUMBER 038 495	2. PERIOD COVERED From 01/01/2020 Through 12/31/2020	3. (a) AMENDED - Is this an amended report: Yes (b) HARDSHIP - Filed under the hardship procedures: No (c) TERMINAL - Is this a terminal report: No
4. AFFILIATION OR ORGANIZATION NAME STEELWORKERS, AFL-CIO			8 MAILING ADDRESS (Type or print in capital letters)
5 DESIGNATION (Local, Lodge, etc.) LOCAL UNION		6 DESIGNATION NBR 3298	First Name BRENDT
7. UNIT NAME (if any)			Last Name TAM
			P.O Box - Building and Room Number
9. Are your organization's records kept at its mailing address? Yes			Number and Street 240 FALLS STREET
			City SENECA FALLS
			State NY
			ZIP Code + 4 13148

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned individual's knowledge and belief, true, correct and complete (See Section VI on penalties in the instructions)

26. SIGNED Daryl Leisenring	PRESIDENT	27. SIGNED Robert Moody	TREASURER
Date: Feb 26, 2021	Contact Info 315-430-0132	Date: Feb 26, 2021	Contact Info 315-745-9715

Form LM-3 (Revised 2016)

FILE NUMBER 038 495

During the Reporting Period Did Your Organization	
10. Have a "subsidiary organization" as defined in Section X of the instructions?	No
11 Create or participate in the administration of a trust or other fund or organization which provides benefits for members or their beneficiaries?	No
19 How many members did your organization have at the end of the reporting period?	300
20 What is the maximum amount recoverable under your organization's fidelity bond for a loss caused by any officer or employee of your organization?	\$18,326

12. Have a Political Action Committee (PAC) fund?	No	21 During the reporting period, did your organization have any changes in its constitution or bylaws (other than rates of dues and fees) or in practices/procedures listed in the instructions?	No																														
13 Acquire or dispose of any goods or property in any manner other than purchase or sale?	No	22 What is the date of the labor organization's next regular election of officers?	04/2021																														
14 Have an audit or review of its books and records by an outside accountant or by a parent body auditor/representative?	No	23 What are the labor organization's rates of dues and fees?																															
15 Discover any loss or shortage of funds or other property? (Answer "Yes" even if there has been repayment or recovery)	No	<table border="1"> <thead> <tr> <th colspan="5">Rates of Dues and Fees</th> </tr> <tr> <th>Dues/Fees</th> <th>Amount</th> <th>Unit</th> <th>Minimum</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>(a) Regular Dues/Fees</td> <td>1.45%</td> <td>per</td> <td>Monthly</td> <td>5 Cap 2.8% Avg</td> </tr> <tr> <td>(b) Initiation Fees</td> <td>10.00</td> <td>per</td> <td>once</td> <td>10 10</td> </tr> <tr> <td>(c) Transfer Fees</td> <td>0</td> <td>per</td> <td>0</td> <td>0 0</td> </tr> <tr> <td>(d) Work Permits</td> <td>0</td> <td>per</td> <td>0</td> <td>0 0</td> </tr> </tbody> </table>		Rates of Dues and Fees					Dues/Fees	Amount	Unit	Minimum	Maximum	(a) Regular Dues/Fees	1.45%	per	Monthly	5 Cap 2.8% Avg	(b) Initiation Fees	10.00	per	once	10 10	(c) Transfer Fees	0	per	0	0 0	(d) Work Permits	0	per	0	0 0
Rates of Dues and Fees																																	
Dues/Fees	Amount	Unit	Minimum	Maximum																													
(a) Regular Dues/Fees	1.45%	per	Monthly	5 Cap 2.8% Avg																													
(b) Initiation Fees	10.00	per	once	10 10																													
(c) Transfer Fees	0	per	0	0 0																													
(d) Work Permits	0	per	0	0 0																													
16 Have any officer who was paid \$10,000 or more by your organization and also received \$10,000 or more as an officer or employee of another labor organization or of an employee benefit plan?	No																																
17. Pay any employee salary, allowances, and other expenses which, together with any payments from affiliates, totaled more than \$10,000?	No																																
18 Have loans totaling more than \$250 to any officer, employee, or member, or make any loans to a business enterprise?	No																																

Form LM-3 (Revised 2016)

24. ALL OFFICERS AND DISBURSEMENTS TO OFFICERS

FILE NUMBER: 038-495

(A) Name (List all persons who held office during the reporting period even if they received no salary or other disbursements)	Gross Salary (before taxes and other deductions) (D)	Allowances and Other Disbursements (E)	TOTAL (F)
(B) Title (Enter title of officer, such as PRESIDENT or TREASURER)	(C) Status *		
LEISENRING DARYL			
PRESIDENT	C	\$3,393	\$3,393
MOSHER JR. ROBERT			
VICE PRESIDENT	C	\$563	\$563
TAM BRENDT			
FINANCIAL SECRETARY	C	\$10,369	\$1,924
			\$12,293
Total Disbursements to Officers	\$37,968	\$6,542	\$44,510
		Less Deductions	\$13,011
The Total from Net Disbursements will be entered in Item 45		Net Disbursements	\$31,499
** Code (C) Status past officer P; continuing officer C; new officer during the reporting period - N.		(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 56)	

(A) Name (List all persons who held office during the reporting period even if they received no salary or other disbursements)		Gross Salary (before taxes and other deductions) (D)	Allowances and Other Disbursements (E)	TOTAL (F)
(B) Title (Enter title of officer, such as PRESIDENT or TREASURER)	(C) Status *			
MOODY ROBERT		\$8,349	\$4,325	\$12,674
TRESURER	C			
CAPACCI JAMES		\$7,620	\$28	\$7,648
SECRETARY	C			
RADKA THOMAS		\$1,708	\$50	\$1,758
TRUSTEE	C			
ROBSON JAMES		\$1,690	\$215	\$1,905
TRUSTEE	C			
TRICKLER KEVIN		\$1,993		\$1,993
TRUSTEE	C			
DAVOLI CHUCK		\$451		\$451
GRIEVANCEMAN	C			
EXCELL DEREK		\$397		\$397
GREIVANCEMAN	C			
BOHLING MIKE		\$418		\$418
GRIEVANCEMAN	C			
YOUNGS ROBERT		\$437		\$437
GRIEVANCEMAN	C			
FOULKROD ERNIE		\$580		\$580
GRIEVANCEMAN	C			
Total Disbursements to Officers		\$37,968	\$6,542	\$44,510
			Less Deductions	\$13,011
The Total from Net Disbursements will be entered in Item 45			Net Disbursements	\$31,499
** Code (C) Status: past officer - P; continuing officer - C; new officer during the reporting period - N.			(If any officer was not elected at a regular election in accordance with your organization's constitution and bylaws, explain in Item 56.)	

Form LM-3 (Revised 2016)

STATEMENT A - ASSETS AND LIABILITIES

FILE NUMBER: 038-495

ASSETS	Start of Reporting Period (A)	End of Reporting Period (B)	LIABILITIES	Start of Reporting Period (C)	End of Reporting Period (D)
25. Cash	\$85,239	\$105,855	32. Accounts Payable	\$0	\$0
26. Loans Receivable	\$0	\$0	33. Loans Payable	\$0	\$0
27. U.S. Treasury	\$0	\$0	34. Mortgages Payable	\$0	\$0

Securities			35. Other Liabilities	\$0	\$0
28. Investments	\$0	\$0	36. TOTAL LIABILITIES	\$0	\$0
29. Fixed Assets	\$25,691	\$25,691			
30. Other Assets	\$0	\$0	37. NET ASSETS	\$110,930	\$131,546
31. TOTAL ASSETS	\$110,930	\$131,546			

STATEMENT B - RECEIPTS AND DISBURSEMENTS

CASH RECEIPTS	AMOUNT	CASH DISBURSEMENTS	AMOUNT
38. Dues	\$97,223	45. To Officers (from item 24)	\$31,499
39. Per Capita Tax	\$0	46. To Employees (less deductions)	\$63
40. Fees, Fines, Assessments, Work Permits	\$0	47. Per Capita Tax	\$0
41. Interest and Dividends	\$767	48. Office and Administrative Expense	\$2,666
42. Sale of Investments and Fixed Assets	\$0	49. Professional Fees	\$1,500
43. Other Receipts	\$30	50. Benefits	\$0
44. TOTAL RECEIPTS	\$98,020	51. Contributions, Gifts, and Grants	\$17,901
If total receipts reported in Item 44 are \$250,000 or more, your organization must file Form LM-2 instead of this form.		52. Purchase of Investments and Fixed Assets	\$0
		53. Loans Made	\$0
		54. Other Disbursements	\$23,775
		55. TOTAL DISBURSEMENTS	\$77,404

Form LM-3 (Revised 2016)

56. ADDITIONAL INFORMATION SUMMARY

FILE NUMBER: 038-495

Form LM-3 (Revised 2016)

Bernard T. King
Charles E. Blitman*
Jennifer A. Clark
Kenneth L. Wagner
Timothy R. Bauman
Nathaniel G. Lambright
Daniel E. Kornfeld[◇]
Daniel R. Brice
Ginger B. LaChapelle[◇]
Brian J. LaClair
Bryan T. Arnault*[□]
Michael R. Daum**
Nolan J. Lafler

Imani M. Shaw

Of Counsel

James R. LaVaute
Jules L. Smith
Donald D. Oliver

* Also admitted in MA
[◇] Also admitted in MD
[◇] Also admitted in DC
**Also admitted in NJ
[□] Also admitted in PA



Attorneys and Counselors at Law

Syracuse • Rochester • New York •
Albany

Franklin Center, Suite 300
443 North Franklin Street
Syracuse, NY 13204-5412
Phone: 315.422.7111
Fax: 315.471.2623

Kelly L. Cook, CEBS
Leslie A. DuMond, CEBS
Marlene G. Naistadt, MBA
Rachel Stolar, CEBS

Nathan H. Blitman
(1909-1990)

June 16, 2021

VIA U.S. MAIL & E-MAIL

Paul J. Murphy, Regional Director
National Labor Relations Board, Region 3
Niagara Center Building
130 S. Elmwood Avenue, Ste. 630
Buffalo, New York 14202-2387

**Re: United Steelworkers, Local Union No. 3298 (ITT Goulds Pumps LLC)
Case 03-CB-277072**

Dear Regional Director Murphy:

This Firm represents United Steelworkers, Local Union No. 3298 ("Union"), the Charged Party in this matter. Please consider this position statement submitted on behalf of the Union. The Charge alleges that the Union violated Section 8(b)(1)(A) and 8(b)(2) of the Act by causing or attempting to cause ITT Goulds Pumps LLC ("Company") to suspend and/or discharge (b) (6), (b) (7)(C) for reasons other than the failure to tender uniformly required initial fees and periodic dues. As explained in more detail below, those allegations are completely without merit.

"A labor organization violates Section 8(b)(2) of the Act by causing or attempting to cause an employer to discriminate against an employee because the employee has engaged in activities protected by Section 7 of the Act." *Int'l Union of Operating Eng'r, Local 12*, 337 NLRB 544, 545 (2002). "An 8(b)(2) violation can be established by direct evidence that the union sought to have the employer discriminate, or by sufficient circumstantial evidence to support a reasonable inference that the union requested that the employer discriminate." *Id.* However, "to establish an 'attempt to cause' violation, there must be some evidence of union conduct . .

June 16, 2021

Page 2

. .” *Id.* (quoting *Toledo World Terminals*, 289 NLRB 670, 673 (1988); see *Wenner Ford Tractor Rentals*, 315 NLRB 964, 965 (1994).

In this case, the Union did not cause or attempt to cause the Company to suspend or discharge (b) (6), (b) (7)(C) because (b) (6) engaged in protected activity—or for any reason. To the contrary, the Union’s interactions with management prior to (b) (6), (b) (7)(C) discipline were entirely appropriate, and since then it has vigorously challenged (b) (6), (b) (7)(C) suspension and discharge and continues to do so to this day.

A. The Union Did Not Cause or Attempt to Cause the Company to Suspend and/or Discharge (b) (6), (b) (7)(C)

1. Rank-and-File Employees Discover and Report LOTO Issue

On the morning of March 17, 2021, first-shift (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) arrived to work and found a note on a table from (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), indicating that (b) (6), (b) (7)(C) was down and that a lock nut had fallen off the machine. See Attachment A.¹ When they went to the machine, they observed that it was in fact down, that it had not been fixed, and that it had not been locked out or tagged out (the Company maintains lock-out/tag-out procedure (“LOTO”)). The situation was brought to the attention of the (b) (6), (b) (7)(C), who, it is believed, brought it to the attention of (b) (6), (b) (7)(C). See Attachment B at 3-4.²

To be sure, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are rank-and-file employees who do not hold positions with the Union. While the Union has no reason to believe that their actions in discovering and reporting the LOTO issue to management were motivated by improper considerations, they were not agents of the Union in any event.

¹ This document was included in the Company’s production of documents received by the Union prior to (b) (6), (b) (7)(C) Article XI hearing (discussed below).

² As noted below, the Union took written statements from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) on April 13, 2021, as part of its investigation of the matter.

June 16, 2021

Page 3

2. Management Informs the Union About the Investigation

Shortly after hearing about the LOTO issue from (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) received a text message from (b) (6), (b) (7)(C) at 9:54 a.m. stating "Do you have time to come see me in my office." See Attachment C. (b) (6), (b) (7)(C) responded that (b) (6) was in a meeting but would be there shortly with (b) (6), (b) (7)(C). *Id.*³ At approximately 10:10 a.m., (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) went to (b) (6), (b) (7)(C) office as (b) (6) requested. During the meeting, which only lasted about five minutes, (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that there had been a LOTO issue involving (b) (6), (b) (7)(C) and that Company intended to investigate it. (b) (6), (b) (7)(C) responded by telling (b) (6), (b) (7)(C) to advise the Union of the results of the investigation and that the Union would react accordingly at that time.

At that meeting, neither (b) (6), (b) (7)(C), nor (b) (6), (b) (7)(C) requested that the investigation be initiated or that (b) (6), (b) (7)(C) be disciplined. Nor did they engage in any other conduct that could have reasonably been construed as making such a request. Rather, they simply asked to be apprised of the results and reserved their right to respond at that time.

It is believed that the Company met with (b) (6), (b) (7)(C) when (b) (6) arrived for (b) (6) shift on the afternoon of March 17, 2021, to discuss the LOTO issue and inform (b) (6), (b) (7)(C) of the investigation. It is also believed that (b) (6), (b) (7)(C) declined Union representation and that no (b) (6), (b) (7)(C) representative was present during that meeting. (At the time, (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C) for (b) (6) group and it is believed that (b) (6) preferred to represent (b) (6), (b) (7)(C) in meetings with management.)

3. Union Treasurer Relays Concerns From Shop Floor to Human Resources

At some point between March 17 and 24, (b) (6), (b) (7)(C) was approached by a number of rank-and-file employees in the maintenance department who expressed concern that the Company would not hold (b) (6), (b) (7)(C)

³ (b) (6), (b) (7)(C) practice was to bring a fellow Union representative with (b) (6), (b) (7)(C) whenever (b) (6) met with members of management due to feelings of distrust that had developed between the parties in recent years.

June 16, 2021

Page 4

accountable for the LOTO issue. None of those employees mentioned the upcoming Union election ((b) (6), (b) (7)(C)) was (b) (6), (b) (7)(C)) and (b) (6), (b) (7)(C)) did not perceive that their concerns had anything to do with the upcoming Union election. Rather, the maintenance employees said they were concerned that a double standard would be applied to (b) (6), (b) (7)(C)), who they believed enjoyed special treatment (along with (b) (6), (b) (7)(C))). These maintenance employees shared a widely held view among plant employees that (b) (6), (b) (7)(C)) was not qualified to perform the high-level duties of a (b) (6), (b) (7)(C)) and was thus a danger to (b) (6), (b) (7)(C)) and others; that (b) (6)) obtained the position as a result of favoritism; and that (b) (6)) inability to perform the work resulted in an increased workload for the first-shift maintenance employees who followed (b) (6), (b) (7)(C)).

After hearing these concerns from the shop floor, (b) (6), (b) (7)(C)) decided to relay them to management. As such, he went to the office of Human Resources employee (b) (6), (b) (7)(C)) and relayed to (b) (6), (b) (7)(C)) the concerns (b) (6)) heard from the shop floor that (b) (6), (b) (7)(C)) would be given special treatment in connection with the recent LOTO incident. (b) (6), (b) (7)(C)) responded that there was an ongoing investigation into the incident and did not say more about it. (b) (6), (b) (7)(C)) also asked (b) (6), (b) (7)(C)) for a copy of the Company's policy concerning confidential ethics complaints to the ombudsman. (b) (6), (b) (7)(C)) printed a copy of the policy and gave it to (b) (6), (b) (7)(C)) as (b) (6)) left the office. (b) (6), (b) (7)(C)) did not request that the Company suspend or discharge (b) (6), (b) (7)(C)), not did (b) (6)) engage in any conduct that could be reasonably construed as making such a request. In fact, (b) (6)) was not there (b) (6), (b) (7)(C)) as (b) (6)) was not the grievance chairperson for that group of employees. Rather, (b) (6), (b) (7)(C)) simply felt it important to relay the rank-and-file employees' concerns that a double standard would be applied in favor of an employee who they felt was a danger to others.

In sum, (b) (6), (b) (7)(C)) did not directly or indirectly request that the Company suspend or discharge (b) (6), (b) (7)(C)); nor were the rank-and-file employees' concerns that he relayed in any way related to the Union election or other protected activity. *See, e.g., Keller Constr.*, 362 NLRB 1246, 1247-48 (2015) (no violation where union agents said nothing to management that "could reasonably be understood by him as a request to refrain from hiring" alleged discriminatee); *Wenner Ford Tractor Rentals, Inc.*, 315 NLRB 964 (1994) (no violation where no direct evidence of union request or suggestion that employee be laid off); *UAW Local 509*, 2016 NLRB LEXIS 211, *21 (March 17, 2016) (no violation even though union agent reported incident

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knowing it might result in discipline because it was due to personal issues and had nothing to do with union activity).

Accordingly, the Union did not cause or attempt to cause the Company to suspend or discharge (b) (6), (b) (7)(C). Nor was any of the Union's conduct (as described above) in any way motivated by or related to the Union election or any other protected activity that (b) (6), (b) (7)(C) may have engaged in.⁴

B. The Company Suspends Then Discharges (b) (6), (b) (7)(C) and the Union Vigorously Represents (b) (6), (b) (7)(C) in Connection Therewith

On (b) (6), (b) (7)(C), 2021, (b) (6), (b) (7)(C) was notified that the Company had concluded its investigation and planned to suspend (b) (6), (b) (7)(C) for the LOTO issue. At that time, (b) (6), (b) (7)(C) opened a file for the matter and began writing down important dates/events on a sheet of paper (b) (6), (b) (7)(C) kept on the inside of the file folder. See Attachment E. (b) (6), (b) (7)(C)—who had decided on March 20 not to seek re-election—asked the (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) to sit in on the disciplinary meeting to be held that day pursuant to the CBA.

At the (b) (6), (b) (7)(C) meeting, the Company accused (b) (6), (b) (7)(C) of violating the LOTO rules while (b) (6), (b) (7)(C) defended (b) (6), (b) (7)(C) actions, claiming it was not (b) (6), (b) (7)(C) job duty as a (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) took notes at (b) (6), (b) (7)(C) meeting. See Attachments F ((b) (6), (b) (7)(C) notes), G ((b) (6), (b) (7)(C) notes). During the meeting, the Company notified (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was being suspended with intent to discharge and handed (b) (6), (b) (7)(C) an Employee Disciplinary Action Form, which (b) (6), (b) (7)(C) refused to sign. See Attachment H.

⁴ The Union is not in possession of any campaign literature from the Union election. It is believed that the only candidates who created and posted campaign literature (some of which was in fact defaced by unidentified plant employees) was (b) (6), (b) (7)(C) and others on (b) (6), (b) (7)(C). The Union is aware of a text message exchange between (b) (6), (b) (7)(C) and terminated employee (b) (6), (b) (7)(C)—an (b) (6), (b) (7)(C) who the Company refuses to reinstate despite the Union having obtained a favorable arbitration award on (b) (6), (b) (7)(C) behalf—where the two engaged in competitive banter about the union election. (b) (6), (b) (7)(C) sent a screenshot of part of that exchange to the (b) (6), (b) (7)(C). See Attachment D. The Union is still looking into whether the entire exchange is available and will supplement the enclosures as necessary.

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On (b) (6), (b) (7)(C), 2021, the Union filed a grievance challenging the suspension of (b) (6), (b) (7)(C) as “unfair and unjust” and demanding reinstatement and full back pay and benefits. *See* Attachment I. That same day, the Union requested a hearing under Article XI of the CBA to be held on (b) (6), (b) (7)(C), 2021. *See* Attachment J. The Union also immediately submitted a detailed information request to the Company as part of its investigation into the suspension. *See* Attachment K. (b) (6), (b) (7)(C) made phone calls and sent text messages to (b) (6), (b) (7)(C) to inform (b) (6), (b) (7)(C) of the Article XI hearing scheduled for (b) (6), (b) (7)(C) at 10:30 a.m. but received no response from (b) (6), (b) (7)(C). In response to the Union’s information request, the Company produced a number of documents to the Union prior to the Article XI hearing on (b) (6), (b) (7)(C) (as the Union had requested). *See* Attachment L.

At the Article XI hearing on (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) was fully and fairly represented by Union representatives (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) took notes at the hearing. *See* Attachments M ((b) (6), (b) (7)(C) notes), N ((b) (6), (b) (7)(C) notes).

On (b) (6), (b) (7)(C) 2021, the Company notified (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was terminated and provided a copy of the termination letter to the Union. *See* Attachment O. At that time, the Company also provided the Union with the names of the Union employees it had interviewed as part of its investigation. *Id.* at 1 (The Company had previously refused to produce copies of witness statements in response to the Union’s information request.)

The next day, the Union filed grievance challenging (b) (6), (b) (7)(C) termination as “unfair and unjust” and demanding reinstatement and full back pay and benefits. *See* Attachment P. On April 7, 2021, the Union Executive Committee met and decided to advance (b) (6), (b) (7)(C) grievance to third step (notifying the International Union of the same the next day). *See* Attachment Q. That day the Company also sent the Union supplemental information in the form of a Company email dated December 3, 2019, reflecting what it considered to be its “zero tolerance” LOTO policy. *See* Attachment R.

On April 12 and 13, 2021, in preparation for the third-step hearing, the Union interviewed and took statements from the employees previously interviewed by the Company: (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). *See* Attachment B. Also that day, the Union sent (b) (6), (b) (7)(C) notice that the third-step hearing was scheduled for April 20, 2021 at 1:00



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p.m. via certified mail. *See* Attachment S. The third-step hearing was later moved to April 29, 2021, at the Company's request. *See* Attachment T.

The third-step hearing was held on April 29, 2021, with representatives from the Union and the International Union vigorously defending (b) (6), (b) (7)(C). (Per the CBA, the Company is supposed to create and circulate official minutes for the third-step hearing; however, it never did in this case.) On May 28, 2021, the Company issued its third-step answer denying the grievance. *See* Attachment U. That same day, the International Union notified the Company that it was advancing (b) (6), (b) (7)(C) grievance to arbitration. *See* Attachment V. The Union anticipates selecting an arbitrator and scheduling the arbitration hearing in the near future.

Accordingly, it cannot be disputed that the Union has vigorously represented (b) (6), (b) (7)(C) every step of the way since the Company—of its own volition—decided to investigate, suspend, and then discharge (b) (6), (b) (7)(C) for the LOTO issue.

C. Conclusion

As explained above, the allegations in the Charge are completely without merit. The Union has not violated the Act in this case and, as such, the Charge should be dismissed.⁵

Respectfully Submitted,

BLITMAN & KING LLP

A handwritten signature in blue ink, appearing to read "B. J. LaClair".

Brian J. LaClair

BJL/jld

Encl.

⁵ The Union respectfully requests that this position statement and enclosures be treated as confidential, particularly given the inclusion of internal union notes and information that could potentially be used by the Company against the Union and (b) (6), (b) (7)(C) in connection with the pending grievance-arbitration process.



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cc: Neale K. Sutcliffe, Field Examiner
National Labor Relations Board, Region 3

(b) (6), (b) (7)(C)
USW Local Union No. 3298

From: [Sutcliff, Neale K.](#)
To: [Brian J. LaClair](#)
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072
Date: Tuesday, June 29, 2021 4:30:00 PM

Re the *Acklin* case, the discussion of the applicable law is relevant to this case, but the facts of the case are distinguishable. There, this was a newly hired employee whose qualifications were immediately questioned by the Union based on a previous grievance settlement, and there was no evidence of animus to the employee. Here, (b) (6), (b) (7)(C) has been a (b) (6), (b) (7)(C) for some time and the (b) (6), (b) (7)(C) conversation came on the heels of (b) (6), (b) (7)(C) for the (b) (6), (b) (7)(C) with attendant allegations of animus to (b) (6), (b) (7)(C).

From: Brian J. LaClair <bjlaclair@bklawyers.com>
Sent: Tuesday, June 29, 2021 3:59 PM
To: Sutcliff, Neale K. <Neale.Sutcliff@nrlb.gov>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi Neale – should I expect a response before the end of today? In either case, I can send you some supplemental points later today, but not until after COB due to a 4pm meeting that popped up on another matter. Also, I believe (b) (6), (b) (7)(C), (b) (7)(D) is available for a telephone affidavit tomorrow at 11am. (b) (6), (b) (7)(C), (b) (7)(D) is unavailable Thursday and Friday (holiday/vacation) but should be available next week. Let me know, thanks.

Brian

From: Brian J. LaClair
Sent: Friday, June 25, 2021 12:55 PM
To: Sutcliff, Neale K. <Neale.Sutcliff@nrlb.gov>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi Neale, I am checking with the Union on the affidavits. On another note, before I dive into the supplemental position statement you asked for by Tuesday, is the Region already familiar with Acklin Stamping Co., 355 NLRB 824 (2010) (attached), and if so, do you view it as applicable to this case? Thanks!

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nrlb.gov>
Sent: Thursday, June 24, 2021 11:44 AM
To: Brian J. LaClair <bjlaclair@bklawyers.com>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Brian, yes, my May 26 letter requested affidavits from (b) (6), (b) (7)(C), (b) (7)(D) any other individuals who have information relevant to the investigation of this matter, which includes (b) (6), (b) (7)(C), (b) (7)(D). If you are willing to provide those affidavits, I would like them done by teleconference next week any day

except Monday. I prefer to take (b) (6), (b) (7)(C), (b) affidavit first and then when (b) (6) is complete, I can take (b) (6), (b) (7)(C)

From: Brian J. LaClair <bjlaclair@bklawyers.com>

Sent: Thursday, June 24, 2021 11:32 AM

To: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>

Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi Neale – I forgot to ask yesterday, are you requesting affidavits from our side? If so, when do you envision that happening. Thanks!

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>

Sent: Wednesday, June 16, 2021 5:06 PM

To: Brian J. LaClair <bjlaclair@bklawyers.com>

Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi, yes, I received it. Thank you!

From: Brian J. LaClair <bjlaclair@bklawyers.com>

Sent: Wednesday, June 16, 2021 5:04 PM

To: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>

Subject: Re: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi Neale, did this come through? Please confirm, thanks!

Brian

From: Brian J. LaClair <bjlaclair@bklawyers.com>

Sent: Wednesday, June 16, 2021, 4:39 PM

To: paul.murphy@nlrb.gov; Sutcliff, Neale K.

Cc: Razz

Subject: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Regional Director Murphy & Field Examiner Sutcliff:

I hope you are both well. Attached is the Union's position statement with evidence concerning the above matter. Please advise if you require anything further.

Regards,

Brian

Brian J. LaClair

Blitman & King LLP

Franklin Center, Suite 300 | 443 North Franklin Street | Syracuse New York 13204-5412

T: 315.671.3262 | F: 315.471.2623 | E: bjlclair@bklawyers.com | www.bklawyers.com

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From: Brian J. LaClair <bjlaclair@bklawyers.com>
Sent: Tuesday, June 29, 2021 8:04 PM
To: Sutcliff, Neale K.
Subject: Re: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Hi Neale - 11:30 should work for [REDACTED] but waiting for confirmation. Also checking on 7/6 for [REDACTED]. FYI, I would like to wait until those affidavits are completed to supplement the position statement. Thanks.

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nrlb.gov>
Sent: Tuesday, June 29, 2021 4:02:53 PM
To: Brian J. LaClair <bjlaclair@bklawyers.com>
Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Brian, we have a staff meeting tomorrow that may conflict with that time. How about 11:30 for [REDACTED]?

Can we please schedule [REDACTED] for the afternoon of Tuesday, July 6 ?

From: Brian J. LaClair <bjlaclair@bklawyers.com>
Sent: Tuesday, June 29, 2021 3:59 PM
To: Sutcliff, Neale K. <Neale.Sutcliff@nrlb.gov>
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Sent: Wednesday, June 16, 2021 5:06 PM
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Subject: RE: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

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Sent: Wednesday, June 16, 2021 5:04 PM
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Sent: Wednesday, June 16, 2021, 4:39 PM
To: paul.murphy@nlrb.gov; Sutcliff, Neale K.
Cc: Razz
Subject: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072

Regional Director Murphy & Field Examiner Sutcliff:

I hope you are both well. Attached is the Union's position statement with evidence concerning the above matter. Please advise if you require anything further.

Regards,

Brian

Brian J. LaClair
Blitman & King LLP

Franklin Center, Suite 300| 443 North Franklin Street| Syracuse New York 13204-5412

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From: [Brian J. LaClair](#)
To: [Sutcliff, Neale K.](#)
Subject: USW Local 3298 (ITT Goulds Pumps LLC) Case 03-CB-277072
Date: Monday, July 26, 2021 5:04:00 PM

Neale:

Below are some additional points and authorities in support of the Union's position that the charge should be dismissed.

I. The Union did not cause or attempt to cause (b) (6), (b) (7)(C) discharge.

First, unlike many of the cases where violations have been found, this is not a case where union conduct resulted in the initiation of an investigation leading to discharge. Here, the Company initiated the investigation into the LOTO issue after rank-and-file maintenance employees brought it to the attention of supervision. To be sure, the actions of those rank-and-file employees—who appear to have been acting properly and in good faith—may not be attributed to the Union.

Second, while (b) (6), (b) (7)(C) was the (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) did not visit (b) (6), (b) (7)(C) office (b) (6), (b) (7)(C) as such. (b) (6), (b) (7)(C) was not directed or authorized to be there by the Union's (b) (6), (b) (7)(C). In fact, (b) (6), (b) (7)(C) previous visits to (b) (6), (b) (7)(C) office usually pertained to individual benefits issues, not Union business. During the meeting in question, (b) (6), (b) (7)(C) similarly did not do or say anything to (b) (6), (b) (7)(C) indicating that (b) (6), (b) (7)(C) was there in (b) (6), (b) (7)(C). It is believed that (b) (6), (b) (7)(C) understood that (b) (6), (b) (7)(C) was there as an individual employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). In that sense, (b) (6), (b) (7)(C) actions should not be imputed to the Union.

Third, even if (b) (6), (b) (7)(C) had been acting in (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) met with (b) (6), (b) (7)(C), the LOTO investigation was already well underway and he did not make any direct or indirect requests concerning (b) (6), (b) (7)(C) employment. Rather, (b) (6), (b) (7)(C) requested information concerning the confidential employee complaint process (which had been repeatedly pushed by the Company and which many employees at the plant used) and indicated that (b) (6), (b) (7)(C) wanted to file a complaint due concerns related to the perceived double standard applied to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) siblings and the safety-related impacts on other employees. Thus, the only thing (b) (6), (b) (7)(C) sought was the fair and proper treatment of all employees. As such, the Union did not cause or attempt to cause (b) (6), (b) (7)(C) discharge.

II. Any Union conduct was not motivated by (b) (6), (b) (7)(C) protected activity.

Even if the Union is deemed to have caused or attempted to cause the discharge of (b) (6), (b) (7)(C)—which it most certainly did not—the charge would still be subject to dismissal

because any Union actions were not motivated by (b) (6), (b) (7)(C)

“The Act does not outlaw discrimination in employment as such, but only such discrimination, either by employers or unions, as encourages or discourages union membership. In determining whether discrimination, or an attempt to cause it, falls within the statutory condemnation, it is the true purpose or real motive that constitutes the test.” *Millwrights’ Local Union 1102*, 144 NLRB 798, 800 (1963) (internal quotation marks and alterations omitted).

Accordingly, “the Board must evaluate the union’s conduct, not in the abstract, but in terms . . . of its true purpose or real motive.” *Id.* (internal quotation marks omitted). Moreover, the Board has held that a union may, without violation, engage in statutory “cause or attempt to cause” conduct where “the union action was necessary to the effective performance of its function of representing its constituency.” *Acklin Stamping Co.*, 351 NLRB 1263 (2010) (internal quotation marks omitted).

Similar to the union representatives in *Acklin*, in this case, (b) (6), (b) (7)(C) discussion with (b) (6), (b) (7)(C) revolved around the legitimate concerns of rank-and-file members that (b) (6), (b) (7)(C) was a danger to them and others due to (b) (6), (b) (7)(C) ineptitude. Another widely shared concern that (b) (6), (b) (7)(C) relayed to (b) (6), (b) (7)(C) related to the Company’s history of treating (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) more favorably than other employees, i.e., applying a double standard. Not only was this patently unfair to the bargaining unit as a whole, it was causing serious morale issues on the shop floor. To be sure, these concerns are perfectly legitimate and wholly unrelated to (b) (6), (b) (7)(C) status (b) (6), (b) (7)(C). (That (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was not a motivating factor for any Union conduct is further supported by the undeniable fact that (b) (6), (b) (7)(C) was not a (b) (6), (b) (7)(C) and only ended up receiving a handful of votes.) In that sense, (b) (6), (b) (7)(C) actions, however they might be described, were “done in good faith, based on rational considerations, and were linked in some way to [the Union’s] need effectively to represent its constituency as a whole.” *Caravan Knight Facilities Mgmt.*, 362 NLRB 1802, 1805 (2015) (internal quotation marks omitted).

For these additional reasons and authorities, the Region should dismiss the charge against the Union.

Regards,

Brian

Brian J. LaClair

Blitman & King LLP

Franklin Center, Suite 300 | 443 North Franklin Street | Syracuse New York 13204-5412

T: 315.671.3262 | F: 315.471.2623 | E: bjlaclair@bklawyers.com | www.bklawyers.com

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From: Brian J. LaClair
Sent: Wednesday, July 21, 2021 2:26 PM
To: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Subject: RE: (b) (6), (b) (7)(C) affidavit

Hi Neale – many apologies but the supplemental points will not be over to you until early next week. I've been swamped since my return and am now heading into arbitration with Glen and ITT for next two days (yay). Is that okay?

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Sent: Friday, July 16, 2021 12:41 PM
To: Brian J. LaClair <bjlaclair@bklawyers.com>; (b) (6), (b) (7)(C)
Subject: RE: (b) (6), (b) (7)(C) affidavit

Yes that's fine Thank you

From: Brian J. LaClair <bjlaclair@bklawyers.com>
Sent: Thursday, July 15, 2021 12:09 PM
To: (b) (6), (b) (7)(C); Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Subject: Re: (b) (6), (b) (7)(C) affidavit

Hi Neale - you should have it soon. Between (b) (6), (b) (7)(C) work schedule and my being away there's been some delay. Separately, I would like to submit a short supplemental position statement next week. Does that work for you? Thanks.

Brian

From: Sutcliff, Neale K. <Neale.Sutcliff@nlrb.gov>
Sent: Thursday, July 15, 2021, 11:32 AM

To: (b) (6), (b) (7)(C) Brian J. LaClair
Subject: RE: (b) (6), (b) (7) affidavit

Hi, what is the status of execution of (b) (6), (b) (7)(C) affidavit?

From: Sutcliff, Neale K.

Sent: Tuesday, July 13, 2021 4:55 PM

To: (b) (6), (b) (7)(C); Brian J. LaClair <bjlaclair@bklawyers.com>

Subject: (b) (6), (b) (7) affidavit

Brian and (b) (6), (b) (7) please find (b) (6), (b) (7)(C) affidavit. (b) (6), (b) (7) please make any minor changes or additions in ink and initial any changes or additions. If there are any large scale changes that you would like to make, the three of us can get back on the phone to discuss them. (b) (6), (b) (7) if there are no large scale changes to make, please initial each page at the bottom and sign and date the last page. After you sign it, please scan and email the affidavit to me.
Thank you, Neale Sutcliff

The NLRB has mandated electronic filing of all case documents. See [GC Memo 20-01](#). For instructions on e-filing documents, please see [Frequently Asked Questions](#) and [E-File Live Demo](#).

Neale K. Sutcliff, Field Examiner

NLRB Region 3

130 South Elmwood Avenue, Ste. 630

Buffalo, NY 14202

Direct: (314) 449-7489

Agency mobile: (202) 702-6012

Main office: (716) 551-4931

Fax: (716) 551-4972

Pronouns: She/her



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlr.gov
Telephone: (716)551-4931
Fax: (716)551-4972

August 31, 2021

Brian LaClair, Attorney
BLITMAN & KING LLP
Franklin Center, Suite 300
443 North Franklin Street
Syracuse, NY 13204-5412

Re: United Steelworkers, Local Union No. 3298
(ITT Goulds Pumps, LLC)
Case 03-CB-277072

Dear LaClair:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Gregory Lehmann

GREGORY LEHMANN
Acting Regional Director

cc: (b) (6), (b) (7)(C)
United Steelworkers, Local Union No.
3298
240 Fall Street
Seneca Falls, NY 13148

Chris Klassner, General Manager
ITT Goulds Pumps LLC
240 Fall Street
Seneca Falls, NY 13148

Glen P. Doherty, ESQ.
Hodgson Russ LLP
677 Broadway, Suite 301
Albany, NY 12207-2939

(b) (6), (b) (7)(C)

